

CHAPTER 73

PROFESSIONS AND OCCUPATIONS

SENATE BILL 22-076

BY SENATOR(S) Holbert, Buckner, Coram, Ginal, Gonzales, Hisey, Jaquez Lewis, Liston, Pettersen, Priola, Rankin, Scott, Simpson, Smallwood;
also REPRESENTATIVE(S) Mullica, Duran, Lindsay, Lontine, Ransom, Ricks, Tipper, Titone.

AN ACT

CONCERNING COMPLAINTS RELATED TO A PERSON'S AUTHORIZATION TO PRACTICE AN OCCUPATION FOR ACTS COMMITTED WHILE THE PERSON IS SERVING IN AN OFFICIAL CAPACITY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 12-20-403, **add (5)** as follows:

12-20-403. Disciplinary procedures - investigations - hearings - oaths - witness statements - subpoenas - appointment of administrative law judge - driver's history - acting as an official. (5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(d) OF THIS SECTION, A REGULATOR SHALL DISMISS AN ANONYMOUS COMPLAINT MADE AGAINST A LICENSEE, CERTIFICANT, OR REGISTRANT IF THE BASIS FOR THE ANONYMOUS COMPLAINT ARISES FROM WORDS SAID OR FROM ACTIONS COMMITTED WHILE THE LICENSEE, CERTIFICANT, OR REGISTRANT WAS ENGAGED IN OFFICIAL DUTIES AS:

(I) AN ELECTED OFFICIAL OF THE STATE OF COLORADO OR OF A POLITICAL SUBDIVISION OF COLORADO; OR

(II) A MEMBER OF A BOARD OR COMMISSION ESTABLISHED BY THE STATE OF COLORADO OR BY A POLITICAL SUBDIVISION OF COLORADO.

(b) A REGULATOR MAY DISMISS A COMPLAINT MADE AGAINST A LICENSEE, CERTIFICANT, OR REGISTRANT IF:

(I) THE COMPLAINT IS NOT MADE ANONYMOUSLY; AND

(II) THE BASIS FOR THE COMPLAINT ARISES FROM WORDS SAID OR FROM ACTIONS

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

COMMITTED WHILE THE LICENSEE, CERTIFICANT, OR REGISTRANT WAS ENGAGED IN OFFICIAL DUTIES AS:

(A) AN ELECTED OFFICIAL OF THE STATE OF COLORADO OR OF A POLITICAL SUBDIVISION OF COLORADO; OR

(B) A MEMBER OF A BOARD OR COMMISSION ESTABLISHED BY THE STATE OF COLORADO OR BY A POLITICAL SUBDIVISION OF COLORADO.

(c) FOR THE REGULATOR TO DISMISS A COMPLAINT IN ACCORDANCE WITH THIS SUBSECTION (5), THE LICENSEE, CERTIFICANT, OR REGISTRANT THAT IS THE SUBJECT OF THE COMPLAINT NEED NOT RESPOND TO OR PROVIDE EVIDENCE CONCERNING THE COMPLAINT. THE DISMISSAL IS AUTOMATIC.

(d) THIS SUBSECTION (5) DOES NOT APPLY TO WORDS SAID TO OR ACTIONS COMMITTED FOR A SPECIFIC PERSON WHEN THE LICENSEE, CERTIFICANT, OR REGISTRANT IS SPEAKING OR ACTING IN THE LICENSEE'S, CERTIFICANT'S, OR REGISTRANT'S CAPACITY AS A MEMBER OF THE OCCUPATION THE PERSON IS LICENSED, CERTIFIED, OR REGISTERED TO PERFORM.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 7, 2022